

## REMARKS

Applicants respectfully request the Examiner's reconsideration of the present application. Claims 87, 100 and 104 have been amended. Claim 88 has been canceled without prejudice. Accordingly, claims 87, 89, 91, -100, and 102-106 are presented for examination. Applicants respectfully submit that the amendments are fully supported by the specification. See page 18, line 5 and page 20, lines 10-16 of the specification as filed.

### Claims Rejection Under 35 U.S.C. §102(b) and 35 U.S.C. §103(b)

Claims 87-89, 91-100, and 102-106 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,930,265 issued to Duault et al ("*Duault*") and as being unpatentable over *Duault*.

To anticipate a claim, the Examiner must show that a single reference teaches each of the elements of that claim. To establish a *prima facie* case of obviousness, the Examiner must show the cited references, combined, teach or suggest each of the elements of a claim.

Among other limitations, claims 87 and 104 as amended recite "aggregating the determined boundary number of segments IDs, wherein the segment IDs share a destination node, and if the number of segment IDs that share the destination node are less than the boundary number of segment IDs, adding an inactive segment ID so the number of segment IDs is equal to the boundary number of segment IDs." *Duault* does not teach or suggest these limitations.

Rather, *Duault* discloses an ATM Adaptation Layer type 5 (AAL5) packet structure where a CPCS Protocol Data Unit payload (CPCS-PDU) is used to carry the CPS-SDU and the AAL5 packet structure is required to be padded with a 0 to 3 bytes long field followed by CPCS-PDU trailer (Figure 3; col. 5, lines 39-46).

As shown from *Duault*'s Figure 3, the 0 to 3 bytes are padded after the CPCS-PDU payload and before the CPCS-PUD Trailer. This is different from what it is recited in claims 87 and 104. Specifically, *Duault* pads 0-3 bytes after the CPCS-PUD payload. *Duault* does not pad the segment IDs if the number of segment IDs is less than the boundary number. In claims 87 and 104, an inactive ID is added where an active ID would be been added. That is, if an inactive ID is required, it is added to the first section where the plurality of segment IDs is aggregated. According to the Examiner, the SSCS Trailer in Figure 5 of *Duault* discloses the aggregated number of segment IDs. However, the SSCS Trailer in Figure 5 of *Duault* is part of the CPCS-PDU payload as showed in Figure 3 of *Duault*. Therefore, *Duault* does not teach or suggest that if the number of segment IDs is less than the boundary number, inactive segment IDs are added because *Duault* does not teach or

suggest padding in the SSCS Trailer field. Thus, *Duault* does not teach or suggest the limitations of claims 87 and 104.

Accordingly, reconsideration and withdrawal of the rejections of claims 87 and 104 under 35 U.S.C. §102(b) and 103(b) are respectfully requested.

Dependent claims 89, 91-99, 105, and 106 depend from claims 87 and 105, respectively, and therefore incorporate all the limitations of these claims. For at least the reasons stated above, these dependent claims are not anticipated and are patentable over *Duault*.

Claims 100 have been amended to include similar limitations as the amended claims 87 and 104. For at least the reasons stated above, claim 100 is not anticipated by *Duault* and is patentable over *Duault*.

Dependent claims 102 and 103 depend from claim 100, and therefore incorporate all the limitations of that claim. For at least the reasons stated above, these dependent claims are not anticipated and are patentable over *Duault*.

CONCLUSION

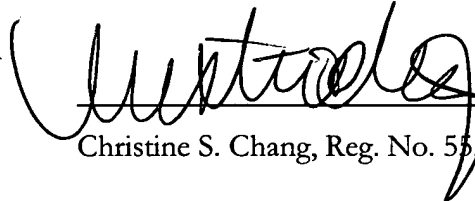
In view of the forgoing, it is believed that all claims now pending are in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: \_\_\_\_\_

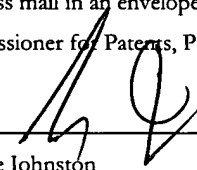
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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Suzanne Johnston

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5/4/06